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Attorneys for Plaintiff
DOBLER & SONS, LLC

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOBLER & SONS, LLC, a California
limited liability company,

Plaintiff,

v.

FRESH 'N HEALTHY, INC., a Delaware
Corporation; MARK WILLIAMS, an
individual; JACK PARSON, an individual;
MARK MCCORMICK, an individual;
STEVEN CINELLI, an individual; and
PRESTWICK PARTNERS, LLC, a
California limited liability company,

Defendants.

CASE NO. C 08-00113 RS

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE
AND ORDER THEREON**

Date CMC: April 30, 2008

Time CMC: 2:30 p.m.

**Place CMC: Before U.S. Magistrate
Judge Seeborg
Courtroom 4, 5th Floor
San Jose**

Plaintiff Dobler & Sons, LLC and Defendant Jack Parson¹ respectfully request and stipulate that the Case Management Conference currently set for April 30, 2008, at 2:30 p.m., be continued for approximately six weeks, as Plaintiff believes that this dispute may be resolved shortly.

¹ Defendant Jack Parson filed an answer to the Complaint; Defendant Mark McCormick has been served, but has not yet filed an answer; and Defendant Fresh 'N Healthy filed a bankruptcy petition on March 20, 2008. The remaining Defendants have not been served, although Plaintiff has attempted to do so.

As the Notice filed by Plaintiff on April 9, 2008 [Docket #8] states, Defendant Fresh 'N Healthy filed a bankruptcy petition on March 20, 2008. Plaintiff alleges that Fresh 'N Healthy owes it over \$325,000 and that the other Defendants, as alleged owners and/or officers of Defendant Fresh 'N Healthy, are secondarily liable for this debt under the Perishable Agricultural Commodities Act.

Of course, all action is now stayed as to Defendant Fresh 'N Healthy; however, Plaintiff is currently exchanging information and documents and discussing settlement of its claim with Fresh 'N Healthy's bankruptcy trustee and its secured lender. All parties believe that there is a strong likelihood that they can work out a mutually satisfactory resolution of Plaintiff's claim within the next two weeks, in which case, this action would likely be dismissed.

Because the parties are attempting to settle this dispute, and believe that it is possible to do so within the next two weeks or so, Plaintiff and Defendant Jack Parson respectfully request that the Case Management Conference be continued for six weeks.

Date: April 10, 2008

RYNN & JANOWSKY, LLP

By: /s/ Marion I. Quesenbery
MARION I. QUESENBERRY
Attorneys for Plaintiff Dobler & Sons, LLC

Date: April 10, 2008

NOLAND, HAMERLYY, ETIENNE & HOSS

By: /s/ Terrence R. O'Connor
TERRENCE R. O'CONNOR
Attorneys for Defendant Jack Parson

I attest that I have obtained the concurrence in the filing of this document from the above signatory Terrence R. O'Connor.

Date: April 10, 2008

/s/ Marion I. Quesenbery
Attorney for Plaintiff

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 The Case Management Conference is continued to June 11, 2008, at 2:30

3 p.m.

4 Date: 4/11/08

A handwritten signature in blue ink, appearing to read "Richard L. Schuyler", is written over a horizontal line.

5 UNITED STATES MAGISTRATE JUDGE